THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17719 of 2006

DATED 25.08.2006

Between:

Mohammed Farooq Ali and
two others. .... PETITIONERS

Versus

The Assistant City Planner, Circle No.5,
Municipal Corporation of Hyderabad,
Town Planning Section, Khairthabad, Hyderabad and two
others. .... RESPONDENTS

WRIT PETITION NO.17719 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the 1st respondent in issuing notice Lr.No.101/ACP/C5/MCH/2006, dated 17.7.2006 and further orally asking the petitioners to handover the original sale deed and vacant possession of their premises No.8-2-247, situated at Road No.2, Banjara Hills, Hyderabad, by 25.8.2006, as illegal, arbitrary, violation of Section 147 of H.M.C. Act and also Land Acquisition Act, and also the Division Bench Judgment of this Court in W.P.No.21198 of 1997, dated 3.2.1998 followed in WP.No.6589 of 2006, dated 3.4.2006, and consequently direct the respondents to go ahead with acquisition proceedings in respect of the petitioners' premises No.8-2-247 (46.95) sq. meters situated at road No.2, Banjara Hills, Hyderabad, and pass such other suitable relief.

3. It is stated that the petitioners are the joint owners of the land in question and the petitioners had surrendered an extent of 46.95 sq. meters of land for the purpose of road widening for meager compensation. It is also stated that the 3rd respondent issued notification under Section 4(1) of the Land Acquisition Act vide notification No.D3/2757/2006, dated 25.4.2006 for acquiring remaining land. It is also stated that the 1st respondent issued impugned notice Lr.No.101/ACP/C5/MCH/2006, without following the procedure under the Land Acquisition Act.

4. In the facts and circumstances of the case, this Court is of the considered opinion that the Writ Petition be disposed of with the following direction:

> "Respondents to follow due process of law as specified by the provisions under Hyderabad Municipal Corporation Act and till then not to further proceed with the demolition activity".

5. The Writ Petition is disposed of accordingly. No costs.

25.08.2006

SSR